THIRTY-THIRD LEGISLATIVE DAY FRIDAY, FEBRUARY 7, 2003

House of Representatives

The House convened at 11 a.m., Mr. Denney in the Chair.

Roll call showed 65 members present.

Absent and excused -- Bradford, Eberle, Henbest, Trail, Mr. Speaker. Total -- 5.

Total -- 70.

Prayer was offered by Pastor Don Hardenbrook.

The Pledge of Allegiance was led by Angela Carpenter, Page.

Approval of Journal

February 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mrs. Ellsworth moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mrs. Boe. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Acting Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 7, 2003

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration H 89, H 111, H 110, and H 9 and report them back without recommendation, amended as follows:

HOUSE AMENDMENTS TO H 89

AMENDMENT TO SECTION 29

On page 21 of the printed bill, in lines 37 and 38, delete "audited by the legislative services office as well as".

AMENDMENTS TO THE BILL

On page 12, delete lines 38 through 51, delete pages 13 and 14, and on page 15, delete lines 1 through 29, and renumber subsequent sections of the bill accordingly.

CORRECTIONS TO TITLE

On page 1, in line 22, following "CONTROLLER;" delete the remainder of the line, delete all of lines 23 and 24, and in line 25, delete "MENT TO ADMINISTER THE ACCOUNT;"; and on page 2, in line 4, following "REQUIRE" delete the remainder of the line, and in line 5, delete "TIVE SERVICES AND".

HOUSE AMENDMENT TO H 111

AMENDMENT TO SECTION 2

On page 6 of the printed bill, in line 23, delete "39-8403(1)" and insert: "39-8403(3)".

HOUSE AMENDMENT TO H 110

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 30, following "COMMISSION." insert: "(1)"; and on page 2, following line 7, insert:

"(2) Nothing in this section shall be construed to authorize the commission to establish or require minimum stream flows or lake levels, which may only be established under the provisions of chapter 15, title 42, Idaho Code.".

HOUSE AMENDMENT TO H 110

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 21, delete "shall" and insert: "may"; in line 22, following "governor" delete "," and insert: ";" and in line 23, following "service" delete "," and insert: ";".

HOUSE AMENDMENT TO H 9

AMENDMENTS TO SECTION 6

On page 7 of the printed bill, in line 3, delete "twenty-one (21) quarter" and insert: "fifteen (15) semester"; in line 5, following "inc.," insert: "or such credits as are otherwise approved by the board,"; delete line 6 and in line 7, delete "vice" and insert: "business law, psychology,".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mrs. Ellsworth.

Whereupon the Acting Speaker declared the report adopted.

H 89, as amended, **H 111**, as amended, **H 110**, as amended, and **H 9**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and

Administration committee for printing.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

February 6, 2003

Mr. Speaker:

I return herewith enrolled **H 87, H 68**, and **H 69** which have been signed by the President.

WOOD, Secretary

Enrolled **H 87**, **H 68**, and **H 69** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 6, 2003

Mr. Speaker:

I transmit herewith S 1016 which has passed the Senate.

WOOD, Secretary

S 1016 was filed for first reading.

Report of Standing Committees

February 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed HCR 14, HJM 2, HJM 3, H 162, H 163, H 164, H 165, H 166, H 167, H 168, H 169, H 170, H 171, H 172, H 173, H 174, H 175, H 176, H 177, H 178, H 179, H 180, H 181, H 182, H 183, H 184, H 185, H 186, H 187, H 188, H 189, and H 190.

FIELD(18), Chairman

HCR 14 was referred to the Commerce and Human Resources Committee.

HJM 2, H 173, and H 174 were referred to the Resources and Conservation Committee.

HJM 3, H 168, H 175, H 176, H 177, H 178, H 179, and H 180 were referred to the Business Committee.

H 162, H 163, H 164, H 165, H 166, H 181, H 182, and H 183 were referred to the State Affairs Committee.

H 167, H 169, H 170, and H 171 were referred to the Judiciary, Rules, and Administration Committee.

H 172 was referred to the Revenue and Taxation Committee.

H 184, H 185, H 186, H 187, H 188, H 189, and H 190 were referred to the Education Committee.

February 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have enrolled ${\bf H}$ 31 and ${\bf H}$ 6

FIELD(18), Chairman

The Acting Speaker announced that enrolled **H 31** and **H 6**, would be signed by the Speaker, and when so signed, ordered them transmitted to the Senate for the signature of the President.

February 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 75, H 79**, and **H 80** to the Governor at 11:40 a.m., as of this date, February 6, 2003.

FIELD(18), Chairman

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 138** and recommend that it do pass.

WOOD, Chairman

H 138 was filed for second reading.

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 64** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

H 64 was placed on General Orders for consideration.

February 6, 2003

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 109** and recommend that it do pass.

JONES, Chairman

H 109 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 15 BY ENVIRONMENTAL AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO THE CONTROL OF AIR POLLUTION IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject

executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Environmental Quality relating to the control of air pollution in Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 58.01.01, pending rules of the Department of Environmental Quality relating to the control of air pollution in Idaho, adopted as pending rules under Docket Number 58-0101-0201, the entire pending rules docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 16 BY ENVIRONMENTAL AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Environmental Quality relating to individual/subsurface sewage disposal are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 58.01.03, pending rules of the Department of Environmental Quality relating to individual/subsurface sewage disposal, adopted as pending rules under Docket Number 58-0103-0201, the entire pending rules docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 17 BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING DESTRUCTION OF UNOPENED AND UNUSED DRUGS AND DIRECTING THE BOARD OF PHARMACY AND THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP NECESSARY STATUTORY AND RULE CHANGES TO ALLOW RETURN AND USE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the American Society of Consultant Pharmacists, the American Medical Association and the American Medical Directors Association agree that under appropriate circumstances, health care costs would be reduced through the return and reuse of unused, unopened medications; and

WHEREAS, the American Society of Consultant Pharmacists and the American Medical Association agree that between 5% and 10% of all medications used in assisted living facilities are destroyed, 90% of which are not used because of discontinuation of medication, change of medication, resident death, and the resident being transferred, hospitalized or discharged; and

WHEREAS, those assisted living residents in Idaho using medical assistance through the Idaho Department of Health and Welfare use medications purchased with state and federal Medicaid funds; and

WHEREAS, self-supporting residents living in assisted living facilities spend down their assets faster and need state assistance sooner because they are unable to return unused, unopened medications; and

WHEREAS, certain hospitals in Idaho are facing shortages of certain drugs while some of the same unopened, unused medications are being destroyed; and

WHEREAS, traces of destroyed drugs end up in waterways, affecting the endocrine systems of fish; and

WHEREAS, hospitals and nursing homes in Idaho are already required to return for credit unopened, unused medications purchased with Medicaid funds to the pharmacy of distribution; and

WHEREAS, the adoption of this resolution will not conflict with present federal laws and regulations; and

WHEREAS, the rising cost of health care attributable to medication costs has precipitated annual increases in appropriations for the Idaho Department of Health and Welfare.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Board of Pharmacy and Department of Health and Welfare are directed to develop statutory and/or rule changes as necessary to allow licensed assisted living facilities to return unused, unopened medications to the dispensing pharmacy for credit of the medication returned, regardless of the payer source.

BE IT FURTHER RESOLVED, that, in concurrence with the recommendation from the policy statement of the American Society of Consultant Pharmacists, the return of such drugs to the dispensing pharmacy for credit shall be allowed when:

- (1) The returned medications are not controlled substances.
- (2) The medications are dispensed in tamper-evident packaging and returned with the medications unopened.
- (3) The medications meet all federal and state standards for product integrity.
- (4) Policies and procedures are followed for the appropriate storage and handling of medications at the assisted living facility and for the transfer, receipt, and security of medications returned to the dispensing pharmacy.
- (5) A system is in place to track restocking and reuse to allow medications to be recalled if required.
- (6) A mechanism (reasonable for both the payer and the dispensing pharmacy) is in place for billing only the number of doses used or crediting the number of doses returned

regardless of payer source.

HCR 15, HCR 16, and HCR 17 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 191 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE SALES AND USE TAX BY IDAHO INDIAN TRIBES; REPEALING SECTION 63-3622Z, IDAHO CODE, WHICH PROVIDED A SALES AND USE TAX EXEMPTION TO SALES OCCURRING WITHIN THE BOUNDARIES OF AN INDIAN RESERVATION LOCATED IN IDAHO WHEN THE BUSINESS OR ENTERPRISE WAS WHOLLY OWNED AND OPERATED BY AN IDAHO INDIAN TRIBE; AND AMENDING SECTION 37-2732A, IDAHO CODE, TO PROVIDE A DEFINITION FOR "RESERVATION" AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 192 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO A RESORT COUNTY SALES TAX; REPEALING CHAPTER 26. TITLE 63. IDAHO CODE: AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 63, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE A DEFINITION OF "RESORT COUNTY," TO PROVIDE AUTHORITY FOR A COUNTY SALES OR USE TAX, TO CREATE THE COUNTY PROPERTY TAX RELIEF FUND, TO PROVIDE GENERAL PROVISIONS FOR ORDINANCE ASSESSING THE TAX, TO PROVIDE A DISTRIBUTION FORMULA, TO PROVIDE COORDINATION WITH CITY LOCAL OPTION NONPROPERTY TAXES, TO PROVIDE FOR COLLECTION AND ADMINISTRATION OF LOCAL OPTION SALES OR USE TAXES BY THE STATE TAX COMMISSION AND TO PROVIDE FOR DISTRIBUTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 193 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO LIMITATION ON BUDGET REQUESTS AND TAX CHARGES; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE FOR A BUDGET INCREASE ABOVE THE THREE PERCENT CAP FOR AMBULANCE DISTRICTS IF CERTAIN CONDITIONS OCCUR AND TO PROVIDE, IN THE CASE OF AMBULANCE SERVICE WHERE NO AMBULANCE DISTRICT EXISTS, FOR A BUDGET INCREASE ABOVE THE THREE PERCENT CAP IF CERTAIN CONDITIONS OCCUR; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 194 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-30220, IDAHO CODE, TO DISALLOW THE SPECIAL ALLOWANCE FOR DEPRECIATION PERMITTED BY SUBSECTION (k) OF SECTION 168 OF THE INTERNAL REVENUE CODE, AND TO DISALLOW DEDUCTION OF CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE EFFECTIVE DATES.

HOUSE BILL NO. 195 BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1418, IDAHO CODE, TO INCREASE THE MAXIMUM COMPENSATION FOR FIRE PROTECTION BOARD COMMISSIONERS.

HOUSE BILL NO. 196 BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO EXPENDITURES OF PUBLIC MONEYS TO SUPPORT OR OPPOSE BALLOT MEASURES OR CANDIDATES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6630, IDAHO CODE, TO PROHIBIT THE EXPENDITURE BY A POLITICAL SUBDIVISION OF THE STATE OF IDAHO OF PUBLIC MONEYS TO SUPPORT OR OPPOSE BALLOT MEASURES OR CANDIDATES AND TO PROVIDE PENALTIES; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR THE EXPENDITURE OF PUBLIC MONEYS TO SUPPORT OR OPPOSE BALLOT MEASURES OR CANDIDATES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 197 BY ENVIRONMENTAL AFFAIRS COMMITTEE

AN ACT

RELATING TO DEPOSIT BEVERAGE CONTAINERS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 84, TITLE 39, IDAHO CODE, TO SET FORTH THE PROVISIONS OF THE IDAHO BEVERAGE CONTAINER ACT, TO SET FORTH A SHORT TITLE, TO STATE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A DEPOSIT BEVERAGE CONTAINER FEE, PROVIDE FOR REGISTRATION RECORDKEEPING, TO ESTABLISH THE DEPOSIT BEVERAGE CONTAINER SPECIAL FUND AND TO PROVIDE FOR THE USE OF FUND MONEYS, TO PROVIDE FOR DEPOSIT BEVERAGE CONTAINER INVENTORY REPORTS AND PAYMENTS, TO AUTHORIZE THIRD PARTY CONTRACTS FOR ADMINISTRATIVE SERVICES, TO PROVIDE FOR MANAGEMENT AND FINANCIAL AUDITS, TO AUTHORIZE RULES AND TO PROVIDE FOR IMPLEMENTATION, TO PROVIDE FOR PAYMENT AND APPLICATION OF DEPOSITS. TO SPECIFY PROCEDURES FOR SALES OF DEPOSIT BEVERAGE CONTAINERS, TO SET FORTH DEPOSIT BEVERAGE CONTAINER REQUIREMENTS, TO PROVIDE FOR REDEMPTION OF EMPTY DEPOSIT BEVERAGE CONTAINERS, TO PROVIDE FOR REDEMPTION CENTERS, TO SET FORTH REVERSE VENDING MACHINE REQUIREMENTS, TO PROVIDE FOR REFUSAL OF REFUND VALUE PAYMENTS FOR CERTAIN DEPOSIT BEVERAGE CONTAINERS, TO PROVIDE FOR HANDLING FEES AND REFUND VALUES FOR CERTIFIED REDEMPTION CENTERS, TO PROVIDE FOR REDEMPTION CENTER REPORTING, TO PROVIDE FOR RECYCLING FACILITY REPORTING, TO PROVIDE FOR AUDIT AUTHORITY AND TO PROVIDE FOR THE ADVISORY COMMITTEE.

HOUSE BILL NO. 198 BY ENVIRONMENTAL AFFAIRS COMMITTEE

AN ACT

RELATING TO WASTE TIRE DISPOSAL; AMENDING SECTION 39-6501, IDAHO CODE, TO FURTHER DEFINE TERMS AND DEFINE ADDITIONAL TERMS; REPEALING SECTIONS 39-6503, 39-6504 AND 39-6506, IDAHO CODE; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6502, IDAHO CODE, TO GOVERN EXISTING AND NEW WASTE TIRE STORAGE SITES: AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6503, IDAHO CODE, TO GOVERN DISPOSAL OF WASTE TIRES; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6504, IDAHO CODE, TO GOVERN THE TRANSPORT OF WASTE TIRES: AMENDING CHAPTER 65. TITLE 39. IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6505, IDAHO CODE, TO PROHIBIT CERTAIN ACTS; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6506, IDAHO CODE, TO ENCOURAGE IDENTIFICATION OF METHODS FOR RECYCLING AND REUSE OF WASTE TIRES; AMENDING SECTION 39-6507, IDAHO CODE, TO PROVIDE PENALTIES: AND AMENDING CHAPTER 65. TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6508, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE.

HOUSE BILL NO. 199 BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO LICENSURE OF ATHLETIC TRAINERS; AMENDING SECTION 54-3902, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING CHAPTER 39, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3903, IDAHO CODE, TO PROVIDE A STATEMENT OF THE SCOPE OF PRACTICE OF ATHLETIC TRAINERS; AMENDING SECTION 54-3903, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO

PROHIBIT USE OF CERTAIN TERMS WITHOUT LICENSURE; AMENDING SECTION 54-3904, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO FURTHER DESCRIBE EXCEPTIONS TO LICENSURE REQUIREMENTS: REPEALING SECTIONS 54-3906 AND 54-3908, IDAHO CODE: AMENDING SECTION 54-3905, IDAHO CODE, TO REDESIGNATE THE SECTION, TO FURTHER DESCRIBE QUALIFICATIONS FOR LICENSURE AND TO PROVIDE A CORRECT CODE CITATION; AMENDING SECTION 54-3907, IDAHO CODE, TO CLARIFY FEES WHICH MAY BE IMPOSED; AMENDING SECTION 54-3909, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO FURTHER GOVERN CONDITIONS FOR PROVISIONAL LICENSURE; AMENDING SECTION 54-3910, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO SPECIFY CONDITIONS FOR REFUSAL TO ISSUE OR RENEW LICENSURE; AMENDING SECTION 54-3911, IDAHO CODE, TO REDESIGNATE THE SECTION, TO SPECIFY CONDITIONS GOVERNING RENEWAL AND REINSTATEMENT OF LICENSURE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3912, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO SPECIFY CONDITIONS GOVERNING DENIAL, SUSPENSION AND REVOCATION OF A LICENSE; AMENDING SECTION 54-3913, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE ADDITIONAL QUALIFICATIONS FOR MEMBERS OF THE BOARD OF ATHLETIC TRAINERS; AMENDING SECTION 54-3914, IDAHO CODE, TO REDESIGNATE THE SECTION, TO SPECIFY DUTIES OF THE BOARD OF ATHLETIC TRAINERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3915, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO INCREASE COMPENSATION; AND AMENDING SECTIONS 54-3916, 54-3917 AND 54-3918, IDAHO CODE, TO REDESIGNATE THE SECTIONS.

HOUSE BILL NO. 200 BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO INVESTIGATIONS OF DEATHS; AMENDING SECTION 19-4301, IDAHO CODE, TO REQUIRE AN AUTOPSY UNDER SPECIFIED CONDITIONS OF UNEXPLAINED INFANT DEATH AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-260, IDAHO CODE, TO GOVERN REGISTRATION OF DEATHS BELIEVED TO BE THE RESULT OF SUDDEN INFANT DEATH SYNDROME.

HOUSE BILL NO. 201 BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO ELIGIBILITY FOR HEALTH BENEFITS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209m, IDAHO CODE, TO SET FORTH A LEGISLATIVE FINDING AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL APPLY FOR A WAIVER OF THE FEDERAL CHILDREN'S HEALTH

INSURANCE PROGRAM IN ORDER TO SUBSIDIZE HEALTH CARE COVERAGE FOR PREGNANT WOMEN IN IDAHO WHO WOULD OTHERWISE QUALIFY FOR FUNDING BASED ON INCOME LIMITATIONS.

HOUSE BILL NO. 202 BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PROVISIONS OF STATE MEDICAID COVERAGE; AMENDING SECTION 56-203, IDAHO CODE, TO INCLUDE PREBORN CHILDREN WITHIN THE DEFINITION OF PERSONS ENTITLED TO COVERAGE; AMENDING SECTION 56-209d, IDAHO CODE, TO REQUIRE SERVICES BE PROVIDED FOR PRENATAL CARE AND OTHER HEALTH SERVICES FOR UNBORN CHILDREN; AND DIRECTING THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO SEEK NECESSARY WAIVERS TO PROVIDE COVERAGE.

HOUSE BILL NO. 203 BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PRACTICE OF NURSING; AMENDING SECTION 54-1401, IDAHO CODE, TO CLARIFY THE PROHIBITION AGAINST INDIVIDUALS REPRESENTING THEMSELVES TO THE PUBLIC AS NURSES UNLESS THEY ARE LICENSED AS PROVIDED BY LAW AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 204 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO ALL-TERRAIN VEHICLES; AMENDING SECTIONS 49-102 AND 63-3622R, IDAHO CODE, TO REVISE THE DEFINITION OF "ALL-TERRAIN VEHICLE" OR "ATV" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE THE DEFINITION OF "ALL-TERRAIN VEHICLE (ATV)," TO REVISE THE DEFINITION OF "MOTORBIKE" AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 205 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE IDAHO STATE POLICE AND WRECKERS OR TOW TRUCKS; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2903, IDAHO CODE, TO PROVIDE FOR A ROTATION LIST FOR WRECKERS OR TOW TRUCKS TO BE MAINTAINED BY THE STATE POLICE, TO PROVIDE PROCEDURES, TO PROVIDE PENALTIES AND TO PROVIDE RULES; AMENDING SECTION 49-1803, IDAHO CODE, TO PROVIDE FOR VEHICLES TO BE STORED IN A SUITABLE PLACE IN IDAHO AND TO PROVIDE FOR SUCH VEHICLES TO BE PLACED IN THE CUSTODY OF A TOW TRUCK OPERATOR IN IDAHO; AND AMENDING SECTION 49-1804, IDAHO CODE, TO PROVIDE FOR THE REMOVAL OF ABANDONED VEHICLES TO A GARAGE IN

IDAHO; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 206 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PAYDAY LOANS: AMENDING CHAPTER 46, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW PART 4, CHAPTER 46, TITLE 28, IDAHO CODE, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO SET FORTH QUALIFICATIONS FOR LICENSURE, TO PROVIDE FOR LICENSE APPLICATIONS, TO PROVIDE FOR DENIAL OF A LICENSE. TO SET PROVISIONS RELATING ΤO TRANSFERABILITY OF LICENSES AND CHANGE IN CONTROL OF LICENSEES, TO PROVIDE FOR SUSPENSION OR REVOCATION OF A LICENSE, TO REQUIRE REPORTS, TO PROVIDE FOR THE MAINTENANCE OF RECORDS AND TO REQUIRE ANNUAL REPORTS, TO PROVIDE FOR EXAMINATIONS AND INVESTIGATIONS BY THE ADMINISTRATOR, TO APPLY THE IDAHO ADMINISTRATIVE PROCEDURE ACT AND TO SET FORTH PAYDAY LOAN PROCEDURES AND BUSINESS PRACTICES.

HOUSE BILL NO. 207 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXEMPTION FOR CERTAIN OWNERS; AND PROVIDING AN EFFECTIVE DATE.

H 191, H 192, H 193, H 194, H 195, H 196, H 197, H 198, H 199, H 200, H 201, H 202, H 203, H 204, H 205, H 206, and H 207 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1016, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

- **H 10** and **H 11**, by Mr. Speaker, requested by Bureau of Occupational Licenses, were read the second time by title and filed for third reading.
- **H 28** and **H 29**, by Mr. Speaker, requested by Department of Finance, were read the second time by title and filed for third reading.
- H 133, by Business Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that S 1009, H 118, and H 106 retain their places on the Third Reading Calendar until Monday, February 10, 2003. There being no objection, it was so ordered

H 113 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Campbell to open debate.

The question being, "Shall H 113 pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Edmunson, Eskridge, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 60.

NAYS -- None.

Absent and excused -- Bradford, Deal, Eberle, Ellsworth, Field(18), Field(23), Gagner, Henbest, Trail, Mr. Speaker. Total -- 10.

Total -- 70.

Whereupon the Acting Speaker declared **H 113** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 108 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Naccarato to open debate.

The question being, "Shall H 108 pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Douglas, Edmunson, Eskridge, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schae, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills. Total -- 58.

NAYS -- Denney. Total -- 1.

Absent and excused -- Bradford, Deal, Eberle, Ellsworth, Field(18), Field(23), Gagner, Henbest, Trail, Wood, Mr. Speaker. Total -- 11.

Total -- 70.

Whereupon the Acting Speaker declared **H 108** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 10, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:54 a.m.

LAWERENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk